

UNITED STATES OF AMERICA
 for the
EASTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)	
)	Case No. CR-20-50-JFH
v.	Plaintiff,)
) Date: 8/25/2021
JIMCY MCGIRT,)
) Time: 3:00 p.m. – 4:28 p.m.
	Defendant.)

MINUTE SHEET – SENTENCING HEARING

U.S. District Court Judge John F. Heil, III	Carson Lamle, Law Clerk	Joanna Smith, Reporter
	Nick Davis, Deputy Clerk	FTR Courtroom 1 - Room 230

Counsel for Plaintiff: Sarah McAmis, AUSA and Courtney R. Jordan, AUSA
 Counsel for Defendant Richard O'Carroll, Pro Bono

Defendant appears in person with counsel

MINUTES: Court inquired regarding any victims present for hearing. Government responded the victims were present, statements made by victims.

Plaintiff & Defendant reviewed PSI:
 Government - Objections: Yes No
 Defendant - Objections: Yes No
 PSI will form factual basis for sentencing
 No Plea Agreement in this case

ADDITIONAL MINUTES: Oral argument held as to Government's Motion for Upward Departure or, in the Alternative, an Upward Variance from the Guideline Range (Docket Entry No. 169). Motion is GRANTED IN PART. (JFH)

Counsel asked if they wish to be heard regarding the application of 3353(a) factors
 Statements by Government
 Statements by defendant's counsel

 Defendant and counsel asked if they care to say anything prior to sentence being pronounced
 Statements by Government in aggravation/mitigation of punishment
 Statements by defendant's counsel
 Statements by defendant

SENTENCE: As to Count 1 of the Superseding Indictment

<input checked="" type="checkbox"/> Bureau of Prisons for a term of <u>Life</u>	<input checked="" type="checkbox"/> Concurrent	<input type="checkbox"/> Consecutive
<input checked="" type="checkbox"/> Supervised Release for a term of <u>5 years</u>	<input checked="" type="checkbox"/> Concurrent	<input type="checkbox"/> Consecutive
<input checked="" type="checkbox"/> Special Assessment: \$ <u>\$100.00</u>	<input checked="" type="checkbox"/> due immediately	
<input type="checkbox"/> Fine: \$ _____	<input type="checkbox"/> with interest	<input type="checkbox"/> interest waived
<input type="checkbox"/> Restitution: \$ _____	<input checked="" type="checkbox"/> with interest	<input type="checkbox"/> interest waived

SENTENCE: As to Count 2 of the Superseding Indictment

<input checked="" type="checkbox"/> Bureau of Prisons for a term of <u>Life</u>	<input checked="" type="checkbox"/> Concurrent	<input type="checkbox"/> Consecutive
<input checked="" type="checkbox"/> Supervised Release for a term of <u>5 years</u>	<input checked="" type="checkbox"/> Concurrent	<input type="checkbox"/> Consecutive
<input checked="" type="checkbox"/> Special Assessment: \$ <u>\$100.00</u>	<input checked="" type="checkbox"/> due immediately	
<input type="checkbox"/> Fine: \$ _____	<input type="checkbox"/> with interest	<input type="checkbox"/> interest waived
<input type="checkbox"/> Restitution: \$ _____	<input type="checkbox"/> with interest	<input type="checkbox"/> interest waived

SENTENCE: As to Count 3 of the Superseding Indictment

<input checked="" type="checkbox"/> Bureau of Prisons for a term of <u>Life</u>	<input checked="" type="checkbox"/> Concurrent	<input type="checkbox"/> Consecutive
<input checked="" type="checkbox"/> Supervised Release for a term of <u>5 years</u>	<input checked="" type="checkbox"/> Concurrent	<input type="checkbox"/> Consecutive
<input checked="" type="checkbox"/> Special Assessment: \$ <u>\$100.00</u>	<input checked="" type="checkbox"/> due immediately	
<input type="checkbox"/> Fine: \$ _____	<input type="checkbox"/> with interest	<input type="checkbox"/> interest waived
<input type="checkbox"/> Restitution: \$ _____	<input type="checkbox"/> with interest	<input type="checkbox"/> interest waived

 STANDARD CONDITIONS of Supervised Release given, including the following Special Conditions:

1. The defendant shall register pursuant to the provisions of the Sex Offender Registration and Notification Act, or any applicable state registration law. 2. The defendant shall attend and participate in a mental health treatment program and/or sex offender treatment program as approved and directed by the Probation Officer. The defendant shall abide by all program rules, requirements, and conditions of the sex offender treatment program, including submission to polygraph testing to determine if you are in compliance with the conditions of release. The defendant may be required to contribute to the cost of services rendered in an amount to be determined by the probation officer, based on the defendant's ability to pay. Any refusal to submit to assessment or tests as scheduled is a violation of the conditions of supervision. 3. The defendant shall not be at any residence where children under the age of 18 are residing without the prior written permission of the United States Probation Office. 4. The defendant shall not be associated with children under the age of 18 except in the presence of a responsible adult who is aware of the defendant's background and current offenses, and who has been approved by the United States Probation Officer. 5. The defendant shall submit to a search conducted by a United States Probation Officer of your person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of probation/supervised release. Failure to submit to a search may be grounds for revocation.

REASONS FOR IMPOSING SENTENCE given by Court
 Defendant advised of right to appeal Defendant gives oral notice of appeal
 Remaining counts ordered dismissed: _____
 Defendant requests designation to _____ to facilitate family contact
 So recommended by the Court
 Defendant remanded to the custody of the U.S. Marshal
 Court adjourned